

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Defendant.

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C.A. No. 04-11362-RWZ

JOINT MOTION TO ENLARGE TIME

The Plaintiff Barry Linton and the Defendant New York Life Insurance and Annuity Corporation (“New York Life”) hereby jointly and respectfully move that the dispositive motions and related deadlines in this matter as set forth in the Court’s Order dated November 21, 2005 be extended as set forth below:

- Parties to file dispositive motions: February 6, 2006;
- Oppositions three weeks thereafter: February 27, 2006; and
- Hearing: To be set at the Court’s convenience.

As good cause, the parties state as follows:

1. The parties have agreed that Plaintiff will provide Defendant with a Settlement Demand on January 17, 2006. In order to permit the parties sufficient time to consider the potential for settling or resolving the above-captioned matter, the parties request this extension.

2. The parties further state that neither party will be prejudiced by the extension and that an extension will not substantially affect the timeline for the final disposition of the above-captioned matter.

WHEREFORE, the parties pray that the Court allow this motion and enlarge the time in which discovery must be completed as set forth above.

Respectfully submitted,

NEW YORK LIFE INSURANCE
AND ANNUITY CORPORATION
By its attorneys,

BARRY LINTON
By his attorneys,

/s/ Levina Wong
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Dated: January 17, 2006